

# WHO'S RESPONSIBLE? LIABILITY CONCEPTS WHEN WORKING WITH SERVICE PROVIDERS

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## THREE PERSPECTIVES:

- Museum Registrar
- Fine Arts Insurance Agent
- Fine Arts Service Provider

WHO IS RESPONSIBLE?  
THE SHORT ANSWER IS...

**The Museum is responsible**



## WHY IS THE MUSEUM RESPONSIBLE?

The Museum insures

- In Storage
- While Packing
- While in Transit
- During Photography
- During Framing

► Perspective of the Registrar

## HOW TO PREPARE YOURSELF AND YOUR TEAM

- Meetings with your service providers where both sides provide feedback.
- Read your Fine Arts Insurance policy and discuss it with your agent to understand any and all exclusions or terms you may not understand fully.
- Review Loan Agreements and determine where your liability ends and where another museum's begins. Who provides oversight at those critical moments?
- Where can a museum representative supervise? Does it help?



► Perspective of the  
Fine Arts Insurance  
Agent



## WHO TO TALK TO

- All Third parties including
  - Packers/shippers; framers; conservators; freelancers; riggers
  - Will limit their liability by contract
  - Packers/shippers rely on a contract or a BOL
- How your insurance responds is based on these contracts
  - Is there an absolute limit of liability? Or does the contract provide for something?
  - What is a Waiver of subrogation?
  - What about liability to others? In this case you will want to be named as additional insured under their insurance.

# KEY TERMS

- ▶ Liability
- ▶ Limit of liability
- ▶ Waiver of subrogation
- ▶ Additional insured
- ▶ Indemnify and Hold harmless



- ▶ Perspective of the Fine Arts Service Provider



## HOW TO PREVENT AND DEAL WITH DAMAGE

- It's the main thing you hope to avoid...but inevitably, you will be affected by damage happening to artwork at some point in your career.
- How do you manage an impossible situation and move it forward as smoothly as possible?

## How to Prepare and Prevent

- ▶ Educate your team on contract terms and their definitions so everyone is aligned.
- ▶ Establish relationships with your current service providers and meet in person whenever possible.
- ▶ Train new staff on contract terms

## Setting your expectations

- ▶ Have you defined them?
  - ▶ Take the time to clearly define your terms so others don't need to interpret your idea.
  - ▶ If you don't like how something was handled...discuss what could have been done better or differently.

IF SOMETHING HAPPENS... DISCUSS YOUR OPTIONS